

REMARKS

Claims 1,2,3,6,16, 23-28, 33-35, and 42-47 are currently pending. Claims 4,5, 7-15, 17-22, 36-41 and 48-52 have been withdrawn and claims 6-8, and 25 cancelled.

§112 rejections

Claim 35 has been rejected or not being sufficiently described in the specification. Claim 35 recites a gas spring associated with cylinders for controlling the flow of gas into the cylinder. The function of such suspension components is generally known in the art. Further, the specification describes operation of the gas spring as communicating fluid through a tap 1326 into a chamber 128 to control fluid force on the piston 130 (Specification page 5, paragraph 35). As noted in the specification, the operation of the gas spring is well known in the art and a worker skilled in the art would understand the operation of the gas spring. Accordingly, this rejection is overcome and should be withdrawn.

§ 102 rejections

Claims 1-3, 23, 24 were rejected as being anticipated by Hassett (U.S.2,347,948), and alternatively by Balz (U.S. 2,126,085). Claims 1-3, 23 were rejected as being anticipated by Barenzy (2,202,615).

Applicant has amended claims 1 and 23 to include the limitation formerly in claims 6 and 25, that the frame member is part of an engine cradle and includes at least one piston movable within the bore. Hassett, Balz, and Barenzy do not disclose a frame component and suspension

assembly that is part of an engine cradle and includes a piston movable within a bore. Accordingly the rejections are overcome and should be withdrawn.

§ 103 rejections

Claims 6, 25-28, and 42-47 were rejected as being obvious in view of the combination of Balz and Chausson (U.S. 2,530,226).

Claims 6, and 25 have been cancelled and included in amended claims 1 and 23. Amended claims 1 and 23 now include the limitation that the frame is a part of an engine cradle. Independent claim 42 recites an engine cradle extending longitudinally between lateral sides of a vehicle.

The combination of Chausson and Balz is improper because there is no suggestion or motivation to make the proposed combination. In fact, Balz and Chausson teach away from each other. Chausson discloses a body formed from sheet metal that includes mounting points for wheel suspension devices. The purpose of Chausson is to integrate wheel mounting points within the sheet metal vehicle body to eliminate customary axles. (Generally Col 1, lines 15-21). Note that Figure 1 of Chausson specifically shows the elimination of a front axle. This is contrary to Balz. Balz provides a single unitary structure for the front wheels, including a suspension and wheel assembly that may be detached from the frame as a whole. Integrating mounting points for a front suspension with the vehicle body to eliminate a separate front axle as taught in Chausson is contrary to the detachable front axle assembly taught by Balz. Accordingly, there is no suggestion or motivation present in the prior art to make the proposed combination.

Further, the proposed combination is improper because it would destroy the primary operation of Balz. The stated primary purpose and operation of Balz is to provide a unitary structure including front wheels and suspension that can be detached from the frame of a vehicle as a whole. (Generally, Col 1, lines 43-51). As discussed above, Chausson provides for the integration into the vehicle body the mounting points for front wheels, thereby eliminating the need for a front axle structure. As appreciated, the front suspension components of Chausson would not provide for removal of the front wheel assembly as a whole.

In addition, even if the proposed combination were proper, the claims include limitations not disclosed by the combination. Claim 42 includes the limitation of an engine cradle extending longitudinally between lateral sides of a vehicle. Claim 44 includes a divider that divides the bore into two chambers, and claim 46 recites the limitation that a fire wall and wheel house are connected to the engine cradle. The combination of Balz and Chausson discloses an integrated body assembly that includes two frame members extending on lateral sides of the body. Chausson does not disclose an engine cradle member extending between the lateral sides of the body. In addition Chausson does not disclose a wheel housing attached engine cradle. The wheel housing in Chausson is an integral part of the body assembly and is not part of any mounting structure for the engine. Further, the combination does not disclose a bore or a bore having a divider for dividing a bore into two chambers.

The rejection has been overcome and should be withdrawn because the combination of Balz and Chausson would destroy the intended operation of the base reference (Balz) and because the combination does not disclose or suggest all the limitations present in the claims.

Claims 16 and 33-35 were rejected as being obvious over Balz in view of Muller (U.S. 2,992,014). Muller discloses a control arrangement for an independent suspension including one double spool type control piston (13) with a control valve cylinder (12).

Claim 16 includes the limitation of a divider that divides the bore into two sides, with a piston movable in each of the two sides. Further, claim 33 depending from claim 23 includes the limitation that the bore is divided into two lateral sides with a fluid chamber in each side and claim 34 includes the limitation of a piston within each of the two fluid chambers.

The combination is improper because such a combination would destroy a primary purpose of Balz. The stated primary purpose and operation of Balz is to provide a unitary structure including front wheels and suspension that can be detached from the frame of a vehicle as a whole. (Generally, Col 1, lines 43-51). Contrary to Balz, Muller provides a suspension system with components integrated throughout the vehicle body. Muller includes a fluid reservoir (19), and fluid pump (15), control valve (11) and an adjustment cylinder (24). Each component is mounted in separate locations within the vehicle (Muller, Generally Figure 1). Muller does not provide for the removal of the whole system from the frame as a whole. The combination of the suspension system of Muller, with the various components mounted throughout the vehicle would destroy the ability as stated in Balz to detach the front suspension from the frame.

Further, even if the combination is proper, Muller does not suggest two pistons within a cylinder. Muller only discloses a single piston (13) movable within a cylinder (12) that operates as a valve. The first cylinder (12) includes the control piston (13) that is attached to each wheel

assembly. The piston (13) is connected to both levers (9 and 10). Swinging movement moves the piston (13) to selectively supply oil pressure to a second cylinder (24). The second cylinder (24) also includes only one piston (26) that moves in response to oil pressure supplied from the first cylinder (12). Accordingly, Muller does not suggest a divided bore forming two fluid chambers or two pistons as is recited in the claims 16, 33 and 34.

Accordingly, because there is no suggestion or motivation to make the combination and the combination does not disclose or suggest the limitations in claims 16, 33 and 34, the rejection should be withdrawn.

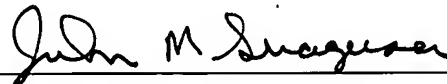
Applicant has added new claim 53 including the limitation of an engine cradle assembly attachable to a vehicle including an engine cradle defining a bore, and a suspension component including two pistons disposed within the bore. The prior art does not disclose an engine cradle with a suspension component. Further, Applicant has included new claims 54-58 that recite additional limitations not present in the prior art. New claim 59 depends from claim 1 and includes the limitation that the bore is a fluid chamber and the piston is movable with the fluid chamber.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.



JOHN M. SIRAGUSA, Reg. No, 46,174
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: February 2, 2004

CERTIFICATE OF MAIL

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2nd day of February, 2004.



Laura Combs